IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Application No.643 of 2005
In
First Appeal No.336 of 1999

Maharashtra State Seeds Corpn.Ltd. Applicant
Vs.
Khed Taluka Sahakari Kharedi Vikri
Sangh Ltd. Respondent

Mr.S.G.Deshmukh for applicant.
Mr.P.S.Dani for respondent.

CORAM: B.H.MARLAPALLE,J.

August 02, 2006.

P.C.

. Heard Mr.Deshmukh, the learned counsel for the applicant-Corporation and Mr.Dani, the learned counsel for the original appellant-Sangh.

. Perused the decree under challenge in First Appeal No.336 of 1999.

. Pursuant to the order passed by this Court on 5/10/2004 the original appellant has deposited with the trial Court an amount of Rs.3,00,000/- and in this application the applicant-Corporation prays for directions to deposit an amount of Rs.8,93,356/- by way of total decretal dues from the original appellant or in the alternative to vacate the interim

order.

. It would be appropriate that the applicant - Corporation is allowed to withdraw an amount of Rs.3,00,000/- deposited with the trial Court and accordingly the trial Court is directed to refund the said amount to the applicant - Corporation by taking an undertaking that in case the original appellant succeeds in the pending appeal, the Corporation shall refund the said amount with interest at the rate of 6 % per annum.

. The application is disposed off accordingly.

Writ to go forthwith.

(B.H.MARLAPALLE,J.)